

EXHIBIT 5

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re Terrorist Attacks on September 11, 2001 | 03 MDL 1570 (GBD) (SN) ECF Case |
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This document relates to:

Continental Casualty Co., et al. v. Al Qaeda, et al., Case No. 04 Civ. 5970

**THE CONTINENTAL CASUALTY PLAINTIFFS' REQUEST FOR ISSUANCE OF
CLERK'S CERTIFICATE OF DEFAULT AGAINST THE REPUBLIC OF THE SUDAN**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Rules 55.1 and 55.2(a) of the United States District Court for the Southern District of New York, the *Continental Casualty* Plaintiffs, by and through their undersigned counsel, request a Clerk's Certificate of Default against defendant the Republic of the Sudan ("Sudan"). Within the accompanying declaration, I affirm that defendant Sudan, the party against whom the judgment is sought:

1. is not a minor, infant or an incompetent person;
2. is not in the military service;
3. was properly served with the Consolidated Amended Complaint ("CAC") when it was filed on November 20, 2020 (ECF No. 6539), and service of the CAC was accepted by Sudan's counsel upon filing;
4. moved to dismiss the CAC for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim (ECF Nos. 6574, 6575), but said motion was denied by the Honorable George B. Daniels on August 10, 2023 (ECF No. 9278);
5. appealed the District Court's ruling to the U.S. Court of Appeals for the Second Circuit, but said appeal was dismissed on September 3, 2024, and the Second Circuit issued its Mandate on September 24, 2024 (ECF No. 10394);

6. was required to file its answer to the CAC within fourteen (14) days after the issuance of the Mandate, pursuant to Fed. R. Civ. P. 12(a)(4)(A); and

7. has failed to appear to answer or otherwise respond to the CAC, and has therefore defaulted in the above captioned action.

Respectfully submitted,

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